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Paper No. 17

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**APR 12 2004**

**OFFICE OF PETITIONS**

In re Application of  
Sengupta  
Application No. 09/838,483  
Filed: April 19, 2001  
Attorney Docket No. JSF01-0047

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed January 30, 2004, to revive the above-identified application. The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

The petition is under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 23, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application was deemed abandoned on September 24, 2003.

Petitioner contends a response was timely filed and has proven the contention by supplying a showing in compliance with 37 CFR 1.8(b).

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR 1.181, the petitioner's request to have the petition considered under 37 CFR 1.137(a) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, the petition fee will be credited to petitioner's deposit account.

The file is being forwarded to the examiner in Technology Center 2800 for consideration of the response filed with the instant petition.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley  
Petitions Attorney  
Office of Petitions

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>4-8-04</u>		2 Serial/Patent # <u>09/838,483</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition	15	1-3004	\$ 55							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
		7 TOTAL AMOUNT OF REFUND		\$ 55							
		8 TO BE REFUNDED BY:									
10 REASON:		Treasury Check									
	Overpayment	<input checked="" type="checkbox"/> Credit Deposit A/C #:									
	Duplicate Payment	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td>5</td><td>0</td><td>--</td><td>2</td><td>6</td><td>9</td><td>7</td></tr></table>			5	0	--	2	6	9	7
5	0	--	2	6	9	7					
<input checked="" type="checkbox"/>	No Fee Due (Explanation):										
<u>Granted with withdrawal of abandonment, so no 137a fee necessary</u>											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Steven Brantley</u>		TITLE: <u>Petitions 44-3</u>									
SIGNATURE: <u>[Signature]</u>		PHONE: <u>306-5683</u>									
OFFICE: <u>Petitions</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>[Signature]</u>		DATE: <u>4-12-04</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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